



Report to the Auburn City Council

Action Item

Agenda Item No.

5

City Manager Approval

To: Mayor and City Council Members
From: Bernie Schroeder, Director of Public Works *BS*
 Megan Siren, Administrative Analyst *MS*
Date: March 25, 2013
Subject: Sewer Ordinance Amendment – Second Reading

The Issue

Shall the City Council update and adopt the amendments to Chapter 52 of the Auburn Municipal Code?

Conclusion and Recommendation

Staff recommends that the City Council introduce for a second reading and BY ORDINANCE amend Title V; Chapter 52 to the Auburn Municipal Code.

Background

On March 11, 2013, the City Council considered the first reading of the Sewer Ordinance Amendment (Title V, Chapter 52 to the Auburn Municipal Code). This report serves to facilitate the required second reading of the ordinance for final adoption.

The City Council approved the Sewer System Management Plan (SSMP) in October 2007 that fulfilled the City's Waste Discharge Requirements (WDR) for the Sanitary Sewer System from the State Resources Control Board. The Sewer Collections Division utilizes the SSMP to efficiently maintain the sewer collections system.

After review of the current SSMP and the City's Sewer Ordinance, staff is recommending that we amend the Sewer Ordinance to provide clarification to the owner and the responsibility for service laterals and the public sewer. Staff is recommending amending the Chapter 52 of the Auburn Municipal Code to assist with implementation of the City's SSMP. The City Attorney has reviewed the proposed sewer ordinance for consideration tonight.

Alternatives Available to Council; Implications of Alternatives

1. Proceed with Staff Recommendation
2. Do not proceed with staff recommendation.

Fiscal Impact

The cost for updating the sewer amendment was incorporated into Fiscal Year 2012/13 Sewer Budget.

Attachment: Ordinance Amendment

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN AMENDING
CHAPTER 52 OF THE AUBURN MUNICIPAL CODE REGARDING SEWERS

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS

Section One. Findings. The City Council of the City of Auburn hereby
finds:

1. Regulated use of the City's public sewer system is necessary to
protect public health and safety.

2. Excessive discharges or discharges of certain substances into the
public sewer may cause damage to the system or spillage. Spills and leaks are
dangerous to the public and may present significant cost to the City to treat
the discharged wastewater and to repair damage to the system.

3. The State Water Resources Control Board (SWRCB) adopted
statewide Waste Discharge Requirements (WDRs) for sanitary sewer systems
in 2006. The City adopted a sewer system management plan in accordance
with the WDRs in 2008.

4. The SWRCB issued a draft update to the WDRs in May 2011,
including a requirement that the City update its sewer system management
plan. Compliance with the new WDRs will also require the City to adopt
amendments to the Sewer Code to enforce provisions of the new WDRs.

5. The City has commissioned a report from NEXGEN, its wastewater
consultant, recommending changes to the City's sewer system management

1 plan, and amendments to the Sewer Code. That report forms the basis for this
2 ordinance.

3
4 6. The adoption of this ordinance is exempt from the California
5 Environmental Quality Act (CEQA) pursuant to Title 14, California Code of
6 Regulations Sections 15261 (adoption of discharge requirements set forth by
7 the SWRCB), 15308 (action by regulatory agency for protection of the
8 environment), and 15321 (enforcement action by regulatory agency).

9 Section Two: Code Amendments. Chapter 52 of the Auburn Municipal
10 Code is hereby amended as follows:

11 1. Section 52.054 is amended to delete the definition of "building drains"

12
13 2. Section 52.054 is amended to add the following definition:

14 "Building Sewer" or "Lateral Sewer." A privately owned and maintained
15 pipe conveying sewage from a single building or premises to a
16 point of connection with the P.O.T.W. Sanitary Sewer. The
17 Building Sewer shall include the connection to the P.O.T.W.
18 Sanitary Sewer.
19

20 3. Section 52.054 is amended to add the following definitions:

21 "Public Sewer. The P.O.T.W. Sanitary Sewer."
22

23 and
24

25 "Lateral Sewer. See definition of "Building Sewer" above."
26

27 4. Section 52.060 (A) is amended to read as follows:
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1 “(A) All sewers to be attached directly to the P.O.T.W. Sanitary Sewer
2 shall be inspected by personnel of the city during construction.”

3
4 5. Section 52.062 is amended to read as follows:

5 “§ 52.062 INDUSTRIAL WASTEWATER DISCHARGES PROHIBITED.

6 No industrial wastewater shall be discharged to the P.O.T.W. Sanitary
7 Sewer or to a sewer discharging directly or indirectly to the
8 P.O.T.W. Sanitary Sewer until a permit has been obtained from
9 the Director of Public Works.”

10
11 6. Section 52.063 is amended to read as follows:

12 “§ 52.063 IMPROPER MAINTENANCE OR USE OF CONNECTED SEWERS.

13
14 (A) It is the responsibility of each discharger to maintain the
15 laterals and collecting sewers that discharge waste from his or her
16 premises directly or indirectly to the P.O.T.W. Sanitary Sewer.

17
18 (B) The city hereby reserves the right to inspect any lateral or
19 collecting sewer that discharges wastewater directly or indirectly
20 to the P.O.T.W. Sanitary Sewer. If it is found that a lateral or
21 collecting sewer is improperly used or maintained, thereby causing
22 the discharge of wastewater, excessive groundwater, debris or any
23 other objectionable substance to the city’s sewers, the Director of
24 Public Works shall give notice of the unsatisfactory condition to
25 the offending discharger, who shall thereafter be obliged to correct
26 the improper use or maintenance of the lateral or collecting sewer
27 as specified by the notice.

1 (C) If the discharger does not comply with the notice specified in
2 division (B) above in the time specified in the notice, the city may
3 disconnect the premises of that discharger from the city's sewer
4 system."

5
6 7. Section 52.063 is amended to add a new subsection D as follows:

7 "(D) Each discharger, and any responsible person as that term is
8 defined in section 95.26 of this Code, shall be responsible for
9 maintenance of the building sewer and its connections to both the
10 building or premises the building sewer services and the P.O.T.W.
11 Sanitary Sewer at his, her, or its own expense and shall be jointly
12 and severally liable for any damages which may result from his,
13 her, or its failure to do so, including, but not limited to, physical
14 damage to the P.O.T.W. or to any other public or private property;
15 fines, penalties, or sanctions imposed on the discharger or on the
16 City by any regulatory agency; and any and all penalties under
17 this chapter or other applicable law."

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19 8. Section 52.064 (A) is amended to read as follows:

20 "(A) No person shall discharge, or cause to be discharged, to the
21 P.O.T.W. Sanitary Sewer, either directly or indirectly, any waste
22 that creates a stoppage, plugging, breakage, any reduction in
23 sewer capacity or any other damage to the sewers or sewerage
24 facilities of the city. Any excessive sewer or sewerage
25 maintenance expense, or any other expense attributable thereto,
26 shall be charged to the offending discharger by the city.

27
28 9. Section 52.065(b)(10) is amended to read as follows:

1 “(10) Any wastewater having a temperature which will inhibit biological
2 activity in the P.O.T.W. treatment plant or wastewater with a
3 temperature which exceeds 120°F;”

4
5 10. Section 52.067 (A)(2) is amended to read as follows:

6 “(2) In special cases, the Director of Public Works may require the
7 construction of sewer lines by the discharger to convey certain
8 industrial wastes to the P.O.T.W. Sanitary Sewer. All
9 pretreatment systems judged by the Director of Public Works to
10 require engineering design shall have plans prepared and signed
11 by an engineer licensed by the state.”

12 Section Three: Effective Date. This Ordinance shall take effect thirty days
13 following its adoption as provided by Government Code Section 36937.

14
15 Section Four: Severability. Should any provision, section, paragraph,
16 sentence or word of this Ordinance be rendered or declared invalid by any
17 court of competent jurisdiction or by reason of any preemptive legislation, the
18 remaining provisions, sections, paragraphs, sentences or words of this
19 Ordinance shall remain in full force and effect.

20 Section Five: Construction. To the extent the provisions of the Auburn
21 Municipal Code as amended by this Ordinance are substantially the same as
22 the previous provisions of that Code, they shall be construed as continuations
23 as of those previous provisions and not as new enactments.

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25 Section 6: Certification. The City Clerk shall certify to the passage and
26 adoption of this Ordinance and shall give notice of its adoption as required by
27 law.
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2 DATED: March 25, 2013

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Kevin Hanley, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 25th day of March 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

Stephanie L. Snyder, City Clerk

APPROVED AS TO FORM:

Michael G. Colantuono, City Attorney

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